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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 23 जनवरी, 1974/3 माघ, 1895

GOVERNMENT OF HIMACHAL PRADESH

HORTICULTURE DEPARTMENT

NOTIFICATION

Simla-2, the 13th December, 1973

No 6-1/73-Hort. (Sectt.)—In exercise of the powers vested in him under section 22 of the Himachal Pradesh Fruit Nurseries Registration Act,

1973 (Act No. 15 of 1973), the Governor, Himachal Pradesh, is pleased to frame the following rules which shall come into force from the date of their publication in Official Gazette:—

1. These rules may be called the Himachal Pradesh Fruit Nurseries Registration Rules, 1973.

rt title

2. In these rules, unless there is anything repugnant in the subject or context,—

Definitions

(a) "Act" means Himachal Pradesh Fruit Nurseries Registration Act, 1973

Act No. 15 of 1973,

(b) 'appellate authority' means the Director of Horticulture, Himachal Pradesh;

(c) 'form' means a form appended to these rules;

(d) 'licensee' means the nursery-man/nursery-men who have been issued a licence for having a nursery;

(e) 'mother tree' means the progeny tree from which budwood or scionwood is taken for budding/grafting the root stocks;

(f) 'security' means cash security furnished by the nursery-man for proper conduct of the business; and

(g) all other terms and expressions used herein, but not defined in these rules, shall have the meanings respectively assigned to them in the Act.

3. (1) An application for a licence to conduct or establish a fruit nursery shall be addressed to the competent authority in Form 'I' alongwith a treasury challan in original of Rs. 100 deposited in favour of Director of Horticulture, Himachal Pradesh under head "XXV-Agriculture (Horticulture)" in any Government Treasury/State Bank of India.

Procedure for grant of licence.

(2) The fee deposited under sub-rule (1) shall be refunded in full if the licence is refused.

(3) The competent authority shall on receipt of application, inspect or cause to be inspected, by any person(s) not below the rank of Horticultural Inspector/Plant Protection Inspector, the fruit nursery for which the licence has been applied for. The Inspecting Officer shall record his other observations in Form 'II'.

(4) On receipt of the report of the Inspecting Officer(s) competent authority may, if satisfied that the applicant fulfils the conditions notified under section 4 of the Act, may grant the licence in Form III. If not satisfied, he may refuse the issue of licence and shall in its order give reasons for such refusal:

Provided that every order granting or refusing a licence shall be made within a period of 90 days of the date of receipt of the application for licence.

(5) The competent authority shall maintain the register in Form IV in which the names of the person to whom the licences are granted from time to time shall be entered.

(6) The competent authority, if he is not satisfied with the report of the Inspecting Officer(s) may also conduct inspection himself or may order for re-inspection of the nursery through some other Inspecting Officer(s) as the case may be.

Period of validity of renewal of additions and alterations in license.

4. (1) Every licence granted under these rules shall be valid for a period of three years from the date of its issue.

(2) Any person desiring to get his licence renewed shall make an application to the competent authority in Form 'V' not less than 90 days (Ninety) before the date of expiry of the licence. Such application shall be accompanied by a treasury challan in proof of the deposit of the renewal fee as prescribed under sub-rule (4). On the receipt of the application the competent authority will get the nursery inspected in the same manner as if the application has been received by him under rule 3(1). The Inspecting authority will give his report in the Form 'VI'.

(3) On receipt of the report of the Inspecting Officer the competent authority may, if satisfied that the applicant has not contravened any of the conditions of the licence or any provision of the Act or these rules, renew the licence for a maximum period of three years. If it is not so satisfied it may refuse the renewal and shall in its order give reasons for such a refusal:

Provided that every order renewing or refusing to renew licence shall be made within a period of 90 days from the date of receipt of the application for renewal.

(4) The renewal fee shall be Rs. 100 for 3 years and shall be deposited under the Head referred to in rule 3(1). The renewal fee shall be refunded if the renewal of the licence is refused.

(5) If at any time during the currency of the licence the licensee desires to undertake propagation of fruit plants other than those mentioned in the licence, he shall make an application to the competent authority specifying therein the fruit plants sought to be propagated. The competent authority may, after satisfying it that the applicant is competent to undertake the propagation of fruit plants specified in the application, make the necessary additions and alternations in the licence.

Additional grounds for suspension or cancellation of licence.

5. The competent authority may; in addition to the grounds mentioned in sub section(1) of section 5 of the Act suspend or cancel any licence, granted or renewed on any one or more of the following grounds:—

(a) the licensee has not been conducting his business honestly or in a fair manner;

(b) the licensee has refused to surrender or produce his licence registers and other records required to be maintained under the Act and rules to the competent authority or any person authorised by it;

(c) he has failed to carry on the orders/instructions of the competent authority issued from time to time in improving the conditions of the nursery/plant material, as the case may be; or

(d) he is producing plants disproportionate to the availability of the scionwood of the kinds/varieties concerned.

Issue of a duplicate licence.

6. In case the original licence is lost, destroyed, mutilated or damaged the nursery-man may apply to the competent authority for the issue of a duplicate licence. On the receipt of the application and on the payment of a fee of Rs. 10 the competent authority shall issue duplicate licence.

7. Any person aggrieved by an order of the competent authority refusing to grant or renew a licence or cancelling a licence may, within a period of thirty days of the receipt of such order appeal to the Director specifying clearly the grounds for appeal.

Appeal against orders or refusal to grant or renewal or cancellation of a licence. Plant material to be utilised for propagation.

8. (1) The plant material to be utilised for propagation will be only that for which licence has been granted.

(2) The scion variety and rootstock to be propagated in the nursery shall be those as approved by the Horticulture Department, Himachal Pradesh, from time to time.

(3) The vegetatively propagated plant material shall be in direct proportion to the availability of rootstock (vegetatively propagated if any) and scionwood with the nursery-man.

(4) The nursery-man will maintain a map showing the details of the fields or beds and the kinds of varieties of plants in each bed. This will apply to the seedlings as well as budded and grafted plants material.

(5) The nursery-man will maintain a register in Form VII wherein the performance of the progeny trees will be recorded.

(6) The competent authority may declare mother trees as unfit for further use, if it is satisfied that use of such a plant material will not be in the interest of fruit industry, on account of the following reasons:—

- (a) poor quality of fruit;
- (b) poor bearing capacity;
- (c) infested with insects, pests and diseases which cannot be cured;
- (d) any other reason which may be considered fit by the competent authority in the interest of the fruit industry.

The nursery-man will quarantine such trees and will not use their budwood for further propagation in any case should there be a danger of the spread of the insect, pest and disease to other trees and the nursery plants, these trees may be ordered to be removed by the competent authority and the nursery-man will carry out these orders.

9. —(1) (a) The licensee shall maintain a register in Form 'VIII' indicating sources of origin of rootstock and scion used for propagation and number of plants raised;

Record and Inspection.

(b) Maintain a complete record of sale of fruit trees in the sales register in form 'IX' and issue the sale receipt to the buyer in Form X.

(c) Maintain an inspection register in Form XI which shall be made available for recording of remarks to the competent authority, Inspecting Officer or any other person duly authorised to conduct an inspection by the competent authority, or the Director.

(d) Maintain a register regarding plant protection operations carried out in the nursery for control of insects, pests and diseases in Form XII.

(e) Prepare a statement in Form XIII regarding number of plants raised and sold variety-wise, for the period from 1st April to 31st March every year and submit a copy of this statement to the competent authority and the Director by the end of April every year.

(f) Inform the inspecting authority and the competent authority about the compliance of instructions given to him at the time of inspection within the time specified by the said authority.

(2) All the records enumerated in these rules shall be preserved by the licensee for a period of 10 years after the date of the conclusion of the transaction.

Plots, plants and trees to be kept free from insects, pests and diseases.

10. The schedule of plant protection operations recommended by the Department of Horticulture, Himachal Pradesh for each category of trees/roots-stock/nursery plants and other material will be followed by the licensee. In addition to this the instructions issued by the competent authority or the Department of Horticulture from time to time in this regard will be carried out properly by the nursery-man. The list of insects, pests and diseases to be controlled will be circulated by the competent authority or the department of Horticulture, Himachal Pradesh from time to time.

Inspection of Nursery.

11. (1) The entire nursery area including progeny trees, registers and other records shall be inspected by the Inspecting Officer from time to time in order to ensure that the provisions of the Act and the rules framed thereunder are strictly adhered to. The licensee will show the Inspecting Officer the entire plant material and records.

(2) The Inspecting Officer may direct in writing the licensee for carrying put further Horticultural/Plant Protection operations. The licensee shall carry out these instructions within specified time and report compliance.

(3) In case, some plant material including progeny trees are found badly infested with pests and diseases and require their removal/destruction, orders to this effect shall be issued in writing by the Inspecting Officer. The licensee shall comply with these orders within the time specified therein.

(4) The Inspecting Officer may inspect any plant material while in transit for detecting infestation of pests and diseases or any defect in packaging and labelling. The Inspecting Officer may declare any plant material as unfit for sale and order for its detention. The Inspecting Officer will report the matter to the competent authority within 2 days who will convey his decision for the destruction or otherwise of the plant material within 7 days of the receipt of report or 10 days from the date of detention of the material whichever is earlier.

Package & their labelling.

12. The labels of the plant material would be those which are not spoiled by water and high humidity and may preferably be of zinc, tin or aluminium, so that these are not easily torn-out.

Penalty

13. If any person contravenes any of the provisions of these rules or the Act or attempts to contravene or abets the contravention of any such provision he shall be punishable under section 18 of the Act.

Security

14. (1) Without prejudice to the provisions of sections 5 and 6 of the Act and rule 5 the competent authority may by a notice in writing require a licensee to furnish within such period as may be specified in the notice a cash security of an amount not exceeding one thousand rupees if it is satisfied that the licensee has contravened any condition of and licence or any provisions of the Act or these rules.

(2) The competent authority may forfeit the security deposit under sub-rule (1) or any portion thereof if it is satisfied that the licensee has again contravened any condition of his licence or any provision of the Act or these rules. The licensee shall make good the amount forfeited within a month of the receipt of the order of forfeiture.

Repeal and savings.

15. The Himachal Pradesh Fruit Nurseries Registration Rules, 1957 as in force in the areas which comprised in Himachal

Pradesh immediately before 1st November, 1966 and the Punjab Fruit Nurseries Rules, 1961, as inforce in the areas added to Himachal Pradesh under section 5 of the Punjab Re-ortatisation Act, 1966 are hereby repealed:

Provided that anything done or any action taken (including any licence issued, nursery registered, notification, or direction issued, proceedings commenced or continued) under any of the rules hereby repealed shall deemed to have been issued, done or taken under the corresponding provisions of these rules.

FORM I

(See rule 3 (1))

APPLICATION FOR LICENCE UNDER THE HIMACHAL PRADESH FRUIT NURSERIES REGISTRATION ACT, 1973

To

Sir,

As I wish to establish/conduct a fruit nursery in.....
Tehsil.....District.....I may kindly be
granted a licence for this purpose as required under the Act. The
detailed particulars of the nursery are given below:—

1. Areas of the nursery (in bighas).
2. Distance from motorable road.
3. Whether irrigated or not.
4. Area of the progeny orchard (in bighas)
5. Details of the progeny trees.

Sl. No.	Kind	Variety.	Age	No. of fruit trees
1	2	3	4	5

(add additional sheet if required)

6. Fruit plants proposed to be propagated.

Sl. No.	Kind	Varieties
1	2	3

(add additional sheet if required)

7. Details of existing plant material, if any.

Sl. No.	Kind	Variety	No. of plants available budded/grafted seed- dling	Source of stock/ scion
1	2	3	4	5

(add additional sheet if required)

The sketch plan of the area under nursery and progeny trees, tatima, shajra and frad patwar of the area are enclosed.

I undertake to obtain any additional requirements of scion material, if any through the competent authority.

I have read the Act and the rules framed thereunder and shall abide by all the conditions mentioned therein.

Yours faithfully,

!(Name and address of the owner of the Fruit Nursery)

FORM II

[See rule 3(3)]

REPORT OF THE INSPECTING OFFICER

(Name, designation and address)

Hereby certify that I have inspected the.....
 (name of nursery)
run/owned/managed by
 Shri/M/s.....on dated.....and on my
 (name and address of applicant)
 personal observation state that:—

(i) the applicant has an area of.....
 UNDER NURSERY;

(ii).....progeny trees of the following varieties have
 been found to be existing at the time of inspection:—

Sl. No.	Kind of fruit trees	Variety	Performance (yeild and quality)	No. of trees	Age of trees	Condition of trees
1	2	3	4	5	6	7

(add additional sheet if required)

- (iii) a sketch of the nursery and the progeny orchard being maintained by the owner is enclosed;
- (iv) the nursery is/is not being kept free from the insects, pests and diseases;
- (v) the progeny trees are/are not being maintained in good condition.
- (vi) the soil is/is not suitable for nursery production work;
- (vii) the nursery-man is/is not competent to conduct/establish the nursery on approved lines, for reasons given below;
- (viii) the information supplied by the applicant is/is not correct;
- (ix) additional internation (add additional sheet if required)
- (x) on the basis of the above observations I recommend/do not recommend it as a gt case for grant of licence.

Signature of Inspecting Officer.

Dated.....

Designation and Seal,
 of the officer.

FORM III

[See rule 3 (4)]

**LICENCE FOR ESTABLISHING/CONDUCTING A FRUIT
PLANT NURSERY UNDER THE HIMACHAL PRADESH
FRUIT NURSERIES REGISTRATION ACT, 1973
(ACT No 15 OF 1973)**

Licence No..... Date of issue.....
 son of..... of Village.....
 Post Office....., Tehsil.....
 District..... owner of.....
 is hereby authorised to raise, exhibit for sale and sell for transplan-
 tation, fruit plants of the following kinds and varieties:—

Sl. No. 1	Kind 2	Variety 3

This licence is valid from.....to.....

The licence shall be subject to the following conditions:—

- (1) The licensee shall not contravene any of the provisions of Act, or the rules framed thereunder.
- (2) The licensee shall conduct his business honestly and in a fair manner.
- (3) The licensee shall produce his licence or the register and other records required to be maintained under this Act and the rules framed thereunder on demand by the competent authority or any person authorised by it.
- (4) The licensee shall not permit evasion or infringement of any of the provisions of the Act or rules framed thereunder and shall report in writing to the competent authority any evasion or infringement which comes to his knowledge.
- (5) The licensee shall promptly comply with the instructions issued to him in accordance with the rules by the competent authority or by any person authorised by it.
- (6) If a licence transfers in whole or in parts his control over the fruit nursery he shall send an intimation of such transfer to the competent authority within a period of one month of the transfer

*Signature of the Competent
Authority with a seal of his office.*

This licence renewed.....

Period of renewal	From	To	Signature of the Authority with office	Competent seal of his office
1	2	3		4

FORM IV
[See rule 3(5)]
NURSERY LICENCE REGISTER FORM

Sl No.	Name & add- ress of the Licen- see	Name of the Nursery	Area of the Nursery	Kind of fruit plants & varieties to be pro- pagated
1	2	3	4	5

Name and desig- nation of Ins- pecting Officer	Date of visit of Inspecting Offi- cer	No. and date of issue of Licence	Date of expiry of Licence
6	7	8	9

Date of renewal	Period of rene- wal.	Remarks	Initials of the competent autho- rity
10	11	12	13

FORM V

APPLICATION FOR RENEWAL OF LICENCE UNDER
THE HIMACHAL PRADESH FRUIT NURSERIES REGISTRATION
ACT, 1973

To

Sir,

My Fruit Nursery Licence No.....expires on.....
It is requested that this licence may be renewed for a period of.....
years. The licence in original along with the treasury Challan for Rs.
.....are enclosed.

2. The licence was granted, last renewed on.....and
since then.....(Nos), inspections have been carried out. I
have complied with the instructions communicated to me in writing by
the Inspecting Authority from time to time except in the following cases
for reasons indicated against each:—

S. No.	Instructions conveyed by the Inspecting Authority.	Date.	Reasons for Non-Com- pliance.
1	2	3	4

I have not contravened any of the provisions of the Act or the rules
framed thereunder.

The detailed information with regard the nursery and plant material
are enclosed in Form 'I' (Fill in the Form I).

Yours faithfully,

(Signature of the Owner).

Note.—The tatima shajra and fard Patwar be not given if there is
no change in the origianl record.

FORM VI

[See rule 4(2)]

To

The _____

Sir,

I have inspected on (date of visit the nursery) of Shri.....
Licence No.issued on.....

2. The details of the nursery and progeny trees are as given by the applicant have been found to be correct on sp ot examination.

(In case of any difference please give details in a separate sheet)

3. It is hereby certified that the owner has/has not contravened any of the provisions of the Act and the rules framed thereunder and that he has/has not been following instructions of the authorities.

4. The details of the contraventions are given below:—

Sl. No.	Date & No. of order	Authority by whom issued	Remarks
1	2	3	4

5. Additional information, if any.

6. On the basis of the above observations, I recommend/do not recommend it as a fit case for renewal of the licence.

Date.....

*Signature of the Inspecting Officer,
Designation and seal of the officer.*

FORM VII

[See rule 8 (5)]

Form of Register of the progeny trees of.....

Licence No.....

Year	Sl. No. of progeny trees.	Kind and variety	Yield in ogs.	General health conditions of the progeny tree	General observations about quality and grade of fruits
1	2	3	4	5	6

FORM VIII

[See rule 9 (1) (a)]

Name of nursery.....Licence No.....
Kind of fruit plants.....variety.....

RECORD OF SOURCE OF PLANT MATERIAL

Date	Source of root-stock	Source of scion variety	No. of plants raised	Remarks
1	2	3	4	5

FORM IX

[See rule 9 (1) (b)]

Name of nursery.....Licence No.....

SALE REGISTER OF NURSERY PLANTS

Sl.No.	Name and address of the purchaser	Kind and variety of plants solid	Root-stock used
1	2	3	4

No. of plants sold.	Rate per plant	Total price charged	No. and date of receipt issued	Remarks
5	6	7	8	9

FORM X

[See rule 9 (1) (b)]

CASH/CREDIT MEMO.....NO

Name and address and Licence No.
(To be given at the top)

Shri/M/s.....

.....

Sl. No.	Kind and variety of plants	Rate	No.	Amount
1	2	3	4	5

Total..

Received with thanks.....

Signature of the Owner.

Note—(Carbon copy to be retained by the nursery-man).

FORM XI

[See rule 9 (1) (c)]

INSPECTION REGISTER

Sl. No.	Date of visit	Name of the Inspecting Officer	Instructions of the Officer	Compliance report by the nursery-man
1	2	3	4	5

FORM XII

[See rule 9 (d)]

REGISTER OF PLANT PROTECTION OPERATIONS

Sl. No.	Date	Name of the insects, pests or diseases	Control measures taken mention pesticides used & their formulation)
1	2	3	4

FORM XIII

[See rule 9 (1)(c)]

Annual statement of production and sale of fruit plants for the year ending 31st March.....

Sl. No.	Kind/Variety	No. produced	No. fit for sale	Last year's balance
1	2	3	4	5

Total No. sold
6

Balance on 31st March
7

K. C. PANDYA,
Secretary.